

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Charles Edward BRIGHT
U.S. Serial No.	10/575557
PCT No.	PCT/GB2004/004360)
Int. Filing Date	October 15, 2004
Confirmation No.	8935
For	APPLICATOR
Attorney Docket	02838

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Office of PCT Legal Administration
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Alexandria, VA 22313-1450

RENEWED PETITION UNDER 37 CFR 1.47 (b)

This is in response to the Decision on Petition Under 37 CFR 1.47(b) dated May 22, 2008.

Documentation which must accompany a Petition under 37 CFR 1.47(b)

The Petition Examiner has indicated that the applicant has satisfied the requirements of Items No. 1 and 3 through 6. However, the Petition was dismissed because Item No. 2 had not been satisfied in that the inventor "was not sent a complete set of the application papers."

In order to perfect this requirement, the application papers were resubmitted to the inventor, Mr. Charles Bright, who again refused to execute the Assignment, Declaration and the Power of Attorney. A Statement of Facts executed by Colin Baker, applicant's U.K. patent attorney, setting forth the circumstances of the presentation of the applications papers to the inventor and the inventor's refusal to sign is submitted herewith.

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Attorney Docket No. 02838
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Summary

It is believed that the requirement to submit factual proof that he inventor refuses to execute that the application has now been satisfied. It is respectfully requested that the Renewed Petition under 37 CFR 1.47(b) be granted.

Extension of Time

The original Petition was dismissed on May 22, 2008. A two (2) month term to request reconsideration was set. Applicant hereby petitions for a four (4) month extension in time. The PTO is authorized to charge the large entity extension fee to our deposit account #190120.

Authorization to charge deposit account

The U.S. Patent and Trademark Office is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our deposit account #190120.

Respectfully submitted,
Charles Edward Bright, Applicant

By 
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Dated: November 7, 2008

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: BRIGHT, Charles Edward
Application Serial No.: 10/575,557
PCT No.: PCT/GB04/04360
Int. Filing Date: 15 October 2004
Priority Date: 15 October 2003
Atty Docket No.: 02838
For: APPLICATOR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT OF FACTS

Inventor's Refusal to Sign

I, Colin Baker, an attorney with the firm of Potter Clarkson LLP and on behalf of Femcare Limited, the Applicant in the above-identified application, hereby attest the following:

1. On 10 October 2008, I wrote to Mr Bright in a letter sent by courier asking him to sign an Assignment, Power of Attorney and Declaration which required his signature in relation to this US patent application. Included with the letter was a complete copy of the application papers, including the specification, claims, drawings and Abstract. A copy of my October 10, 2008 letter is attached. Also attached is a copy of the courier shipment receipt and the tracking information obtained from their website indicating acceptance of delivery on October 13, 2008.
2. Having not heard from Mr Bright, I telephoned him on 17 October and 21 October 2008, when I was told he was unavailable. He telephoned me on 22 October 2008, and confirmed that he had received the letter dated 10 October 2008 and the enclosures, but that he was not prepared to sign anything in relation to this patent application. He explained that, as far as he was concerned, he was under no legal obligation to sign anything. He further explained that his relationship with Femcare Limited was not cordial when he left their employment, and he reiterated that he was not predisposed to sign any such documents. He, thus, upon my oral request, refused to sign and return the papers that were sent to him.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such wilful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 6 November 2008

By



Colin Baker
Chartered UK Patent Attorney
European Patent Attorney
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United Kingdom

Mr Charles E Bright
40 Summerville Road
Alrewas
Nr Burton-on-Trent
Staffs DE13 7EJ

10 October 2008

Sent by courier

Dear Mr Bright

US Patent Application No. 10/575,557
US National Phase of PCT/GB2004/004360
APPLICATOR
Your Ref: Half Closed Clip Indicator
Our Ref: FEMCI/P30966US

This follows our earlier letter to you of 21 September 2006.

We have been asked by your former employer, Femcare Limited, to request that you execute the enclosed assignment documents. These assignment documents formally transfer your rights as inventor in the Half Closed Clip Indicator invention to Femcare Limited.

So that the application for which we request you execute the above documents is properly identified to you, we enclose for your review a copy of US Serial No. 10/575,557 based on PCT/GB 2004/004360; including the specification, claims, drawings and abstract thereof, along with a copy of a Preliminary Amendment which was filed with the US application.

We would be grateful if you could sign and return these documents to us at your earliest convenience, if at all possible by **20 October 2008**. Time is of the essence in this matter and thus if we do not hear from you by Friday 17 October we will try to make oral contact with you to determine the status of the matter.

If you have any questions or comments regarding this matter, please do not hesitate to contact me. I look forward to receiving the completed document in due course.

Yours sincerely


Colin Baker
For and on behalf of Potter Clarkson LLP

vhd

Encs: Assignment
Power of Attorney
Declaration
PCT application filed with the PCT Request Form
Preliminary Amendment dated 12 April 2006
US 10/575,557



Shipment Receipt

Shipment From

POTTER CLARKSON LLP
COLIN BAKER
PARK VIEW HOUSE
58 THE ROPEWALK

NOTTINGHAM NG1 5DD
UNITED KINGDOM
0115 955 2211

Shipment To

MR CHARLES E BRIGHT
MR CHARLES E BRIGHT
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Shipment Details

Date of Shipment : 10/10/2008
Air Waybill Number : 3675341530
Service Type : DOM
Number of Pieces : 1
Total Weight : 0.50 kgs.
Volumetric Weight : 0.00
Length : 0 cm(s).
Width : 0 cm(s).
Height : 0 cm(s).
Insured Amount : GBP 0.00

Additional Services Selected**Billing Information**

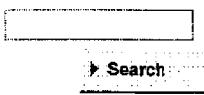
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Reference Information

Reference : FEMCI/P30966US

Description of Contents

DOCUMENTS

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Air Waybill Number	Origin Service Area	Destination Service Area	Status
3675341530	East Midlands - UK	East Midlands - UK	Signed for by: J BRIGHT Shipment delivered October 13, 2008 10:14 ✓

3675341530 - Detailed Report

Date	Time	Location Service Area	Checkpoint Details
October 10, 2008	16:29	East Midlands - UK	Shipment picked up
October 10, 2008	19:00	East Midlands - UK	Departing origin
October 10, 2008	20:49	East Midlands - UK	Arrived at DHL facility in East Midlands - UK
October 11, 2008	02:50	East Midlands - UK	Departed from DHL facility in East Midlands - UK
October 11, 2008	09:03	East Midlands - UK	Arrived at DHL Facility
October 13, 2008	07:35	East Midlands - UK	With delivery counter
October 13, 2008	10:14	East Midlands - UK	Shipment delivered

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